



House of Representatives
Washington DC 20515

February 2, 2005

**RE: Letter to Members of the House of Representatives Opposing
HR 418, the so-called "REAL ID" bill.**

Dear Representative:

On behalf of the American Civil Liberties Union and its more than 400,000 members, we write to urge you to oppose Representative Jim Sensenbrenner's REAL ID bill, HR 418. This bill is an unnecessary assault on privacy and the rights of refugees and other immigrants that does very little to enhance the security of our country.

HR 418 exacerbates already troubling drivers license provisions in the intelligence reform legislation in at least two ways. First, it forces states to link their databases containing the personal information of every licensed driver with other states and with Canada and Mexico, as mandated by the "Driver License Agreement" referenced in the bill.

¹ Second, it forces states to link drivers licenses to immigration status in violation of their own policies. This use of motor vehicle bureaus to enforce immigration laws will undoubtedly affect millions of legal immigrants and American citizens who fit an untrained employee's notion of who "looks foreign."

Both of these unfunded mandates would further the growing trend, alarming both conservatives and progressives, of transforming drivers licenses into de facto national ID cards. Indeed, by mandating sharing of information within all of North America, and by linking the drivers license to immigration status, the bill creates goes further, creating a true "internal passport" for domestic travel.

The REAL ID bill also includes a measure that allows government officials, contrary to international law, to demand written "corroboration," such as police reports or other official documents, of asylum claims. Federal law already gives officials ample discretion to deny improper asylum claims. Asylum applicants are subject to much more extensive scrutiny than virtually any other pool of non-citizens seeking to come to the United States. The bill then limits the ability of the federal courts to reverse such errors.

Judge Michael Chertoff, the Bush Administration's nominee to head the Homeland Security Department, is among those federal judges who have found fault with the government's improper demands for corroborating documents from repressive governments in asylum cases. In *Chen v. Attorney General* 81 Fed. App. 418, No. 0002-4303 (Nov. 25, 2003), the Third Circuit affirmed the denial of an asylum claim involving a Chinese woman who was forced to undergo sterilization procedures and an abortion.

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¹http://www.aamva.org/Documents/Evt_Presentations/2004LawInstitute/Aug2/evtDLAAgreementJuly2004_CGelinas.pdf

In a dissenting opinion, Judge Chertoff castigated the immigration appeals board for relying on the asylum seeker's inability to provide of a certificate showing the date of the abortion in denying the claim. Chertoff noted that, "Chen submitted a State Department report stating that Chinese authorities do not issue abortion certificates for involuntary abortions. If so, that would seem a pretty persuasive reason why no such certificate could be provided to corroborate an involuntary abortion." *Id.* at 425 (Chertoff, J., dissenting).

Finally, another provision of the Sensenbrenner bill, which has been strongly opposed by Irish-American and human rights groups, would amend the USA PATRIOT Act to make it possible to deport long-term lawful permanent residents for providing non-violent, humanitarian support to organizations later labeled as "terrorist" by the government, even where such support was completely legal at the time it was provided.

Of course, it is already a ground of deportation (as well as a felony) to provide any support (including humanitarian support) to a designated terrorist organization, or to provide any support for terrorist activities. What the bill does is to make entirely legal donations, even donations made decades ago, a ground of deportation if the organization to which a donation was made is *later* regarded as meeting the definition of a terrorist organization (whether or not the organization is ever added to a government terrorist list).

This new deportation provision would apply retroactively, and would apply to lawful permanent residents who may have lived here for decades. While the Patriot Act allows non-citizens to be denied entry to the country on such a basis, making entirely legal, humanitarian support occurring decades ago the grounds for separating a lawful resident from friends and family is plainly excessive.

The United States prides itself for being a safe haven for all who are persecuted, raped, maimed and tortured in their own countries. HR 418 would undermine our national commitment to freedom and liberty, by closing the doors to those who need our help the most. We strongly urge you to oppose this wrong-headed measure.

Sincerely,



Laura W. Murphy,
Director, Washington Legislative Office



Timothy H. Edgar,
Legislative Counsel